IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

WP(C).No. 36316 of 2005(W)

PETITIONER:

TESSY SEBASTIAN, W/O.SHAJI A.V.
AGED 32, ARACKAL HOUSE, PADICHIRA P.O.
PULPALLY WAYANAD DISTRICT.

BY ADV. SRI.PROMY KAPRAKKATT
SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABILASH
SRI.AMRUTH RANGAN
SMT.P.K.BEENA

RESPONDENTS:
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1. THE KERALA STATE PUBLIC SERVICE COMMISSION, REP. BY THE SECRETARY, THIRUVANANTHAPURAM.

2. THE REGIONAL OFFICER, KERALA STATE PUBLIC SERVICE COMMISSION OFFICE, KOZHIKODE.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

wpc 36316/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE MARK SHEET DATED 22/12/2001.

EXT.P2 COPY OF THE CERTIFICATE ISSUED BY THE STATE BOARD OF TECHNICAL EDUCATION.

EXT.P3 COPY OF THE EXTRA ORDINARY GAZETTE DATED 29/06/2004.

// TRUE COPY //

PA TO JUEGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 36316 of 2005

Dated, this the 15th day of February, 2007

J U D G M E N T

Petitioner applied for the post of Higher Secondary School Teacher in Computer Science / Computer Applications. The qualifications required are, in the preferential order, starting from M.Tech Degree in Computer Science / MCA etc. and ending with M.Sc Statistics with 50% marks with an additional qualification of Diploma in Computer Applications. Petitioner is Post Graduate in Mathematics with Diploma in Computer Applications. According to the petitioner, since M.Sc Statistics with Diploma in Computer Application is eligible, petitioner also should be declared as eligible because there is a little difference in Petitioner's subject Mathematics as against the approved subject Statistics. Learned counsel for the PSC contended that question of petitioner's qualification being considered as equivalent to any of the qualifications prescribed does not arise because 7419 applicants are available with the subjects of higher preference like M.Tech (Computer Engineering) / MCA etc. When several applicants are

there for the same post, those with higher qualifications have naturally better claim. Since the educational qualifications prescribed are obviously preferential and if sufficient number of candidates with higher educational qualifications are available then obviously there is no need to consider others with lesser educational qualifications for the post. It is clear from the educational qualification prescribed itself that they are not equal and are prescribed in the order of priority, so that, if better qualified hands are not available, lesser qualified people shall not be appointed. Since more than 7419 persons with higher qualification have applied, the respondents rightly declined to consider the petitioner, even though petitioner's qualification may be equivalent to qualification prescribed for appointment, which in preferential basis is one of the lowest. In the circumstances this writ petition is devoid of any merit and is therefore dismissed.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg